

State of California
California Regional Water Quality Control Board
Colorado River Basin Region

MINUTES OF BOARD MEETING

Thursday, November 19, 2015, 9:02 a.m. to 11:30 a.m.
California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive
Palm Desert, CA 92260

CALL TO ORDER

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Vice-Chair Nancy Wright at 9:00 a.m. on November 19, 2015, at Palm Desert, California.

PLEDGE OF ALLEGIANCE

ROLL CALL (Board Members Only)

Regional Board Members Present:

Buford Crites, Tom Davis, Ed Muzik, Nancy Wright
Ellen Way (Absent)

The Board Liaison stated that a quorum was present.

Regional Water Board Counsel: Tom Vandenberg

Regional Board Staff Present:

Robert Perdue, Jose Angel, John Carmona, Soni Wells, Mary Castañeda, Abdi Haile, Mary Serra, Kai Dunn, Doug Wylie, Joan Stormo, Jeff Geraci, Theresa Kimsey, Cathy Sanford, Jose Cortez, Nadim Shukry-Zeywar, Abid Khalaf, Anders Wistrom, Hilda Vasquez, Herb Jackson, Maribel Jernegan.

Others Present:

Eric Brandt, One World Beef
Armand Nicholi, One World Beef
Brian Knowle, Date Gardens MHP
Susan Ormond, Date Gardens MHP
Jeff Graber, Date Gardens MHP
Sarann Graham, HDWD
Mark Abbott, R&B EH
Laurie Dubbe, McCabe USD
Arvin Aaders, McCabe USD
Manuel Sanchez, Earthrise
Tomoatsu Maguchi, Earthrise
Ivory Reyburn, CVWD
Elizabeth Johnson, CDOGGR
Jurg Heuberger, Hudson Ranch I
Mickey Luckman, Joshua Basin WD

Frank Cornejo, City of Holtville
Jack Holt, City of Holtville
D. Anetha Lue, Cal Energy
Lindsay Dale, ICFB

MINUTES

1. a. Minutes of September 17, 2015 Board Meeting

MOTION: Tom Davis moved, Ed Muzik seconded, and the motion carried unanimously to approve Minutes.

PUBLIC FORUM

- Ms. Wright announced that Jose Cortez, Water Resources Control Engineer, was nominated and awarded the Office Superior Accomplishment Award for his outstanding contribution on the permit for the Hi Desert Water District Treatment Plant. On behalf of her colleagues, Ms. Wright congratulated Mr. Cortez for the award.
- Mr. Eric Brandt of One World Beef informed the Board about his impending purchase of the Brawley slaughterhouse, which is currently owned by National Beef California. His company, One World Beef, wants to resume facility operations early this year, which would bring back jobs for the County. He reported that he has hired various consultants and engineering firms to bring the slaughterhouse back online. He stated that he has enjoyed working cooperatively with the [Board staff] in trying to bring the facility back online and do it in a proper environmental manner.
- Ms. Linsey Dale, Imperial County Farm Bureau Executive Director, spoke on behalf of Imperial Irrigation District (IID) and the Farm Bureau, the Agricultural Waiver Coalition managers, to discuss their request to extend the deadline for full implementation of the Waiver due to recently determined issues concerning its applicability to farmers and state fee accounting problems. She also reported that the IID approved five-year funding for the Farm Bureau to cover administrative costs of implementing the Waiver. State Water Board staff has agreed not to bill the Coalition for payment of the fees associated with the Waiver for the current State Fiscal Year. Mr. Angel reported that Board staff will bring the matter before the Board for consideration of extending the deadline at the next Board meeting.
- Ms. Sarann Graham, a Hi-Desert Water District (HDWD) Director, provided the Board with an update on the status of the proposed HDWD Wastewater Reclamation Facility (WRF). She reported that HDWD prepared and the State approved the wastewater rate study, and that HDWD:
 - was starting its Prop 218 process, with a Public Hearing on it scheduled for January 6th [to meet a State Water Board State Revolving Fund loan condition];
 - had its first eminent domain hearing in September and anticipates having the right of entry for all of its outstanding easements by Spring 2016;
 - was finalizing the design of the sewage collection system, expects to hire a construction manager by March 2016, and expects that construction of the system will start in June 2016; and
 - expects startup of the system around June 2018.She added that the District had a detailed floodplain study done on the proposed site for the WRF and the study shows the site is not within the 100-year floodplain.

**UNCONTESTED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS
AND WASTE DISCHARGE REQUIREMENTS**

3. R7-2015-0042 Tentative Board Order Waste Discharge Requirements, for Eiichi Kato, Owner, Earthrise Nutritionals, LLC, Operator, Imperial Valley Bio-Products Facility, Calipatria, Imperial County

Mr. Angel recommended that the WDRs be pulled from consideration of adoption because the WDRs were not incomplete and he could not tell what kind of discharge the proposed Order would regulate. Following discussions from the Board, Board staff, and representatives of the Discharger, the Board agreed to pull the item.

4. R7-2015-0048 Tentative Board Order Waste Discharge Requirements (for Magma Land Company and Imperial Magma, LLC, Land Owners; Salton Sea Power Generation Company and Salton Sea Power LLC, Region 1 Facility Owners; CalEnergy Operating Corporation, Operator Region 1 Salton Sea Power Plants Units 1-5, Class II Brine Pond, Imperial County
5. R7-2015-0049 Tentative Board Order Waste Discharge Requirements for the Ormat Nevada Heber Wellfield Basins and Mud Sumps, 947 Dogwood Road, Heber, Imperial County
6. R7-2015-0050 Tentative Board Order Waste Discharge Requirements for McCabe Union School District, Owner; Frank Cornejo and JC Lab and Monitoring Services, Operator, Municipal Wastewater Treatment Plant and Disposal Ponds, El Centro, Imperial County

Mr. Wylie, Senior WRC Engineer, mentioned that Board staff received comments from Mr. Frank Cornejo, Chief Operator for the McCabe Union School District, requesting reduced monitoring frequency at the Plant. Mr. Wylie indicated that Board staff recommended the Board keep the monitoring frequency as proposed by staff, and that the District renew its request next year when staff will be able to determine from monitoring data how well the new disposal pond system is operating. Mr. Wylie pointed out that there was an errata for this item, which reduced the monitoring frequency, but only for dissolved oxygen and pH. Mr. Davis asked whether the Item was still uncontested and said that he was ready to move items 4, 5, and 6 with errata. Mr. Wylie responded in the affirmative.

MOTION: Tom Davis moved, Buford Crites seconded, and the motion carried unanimously Orders R7-2015-0048, R7-2015-0049, and R7-2015-0050 with errata be adopted for Order R7-2015-0050.

RESCISSION

7. R7-2015-0051 Rescission of Waste Discharge Requirements for Orders R7-2006-0032, Imperial Valley Cheese; R7-2004-0003, Toscana Land LLC; and, R7-2012-0005, Hudson Ranch Power II, LLC.

MOTION: Buford Crites moved, Ed Muzik seconded, and the motion carried unanimously Order R7-2015-0051 be adopted.

ADMINISTRATIVE CIVIL LIABILITY ORDER

8. R7-2015-0044 Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order in the matter of Peter Ormond, Owner, Date Gardens Mobile Home Park, Waste Water Treatment Plant, El Centro, Imperial County

Mr. Angel, on behalf of the Board's Prosecution Team, provided the Board with an overview of the factors leading to civil liability Order, the key terms of the proposed settlement, including:

- The breakdown of proposed \$460,225 liability amount (discretionary liability, Mandatory Minimum Penalties, and staff cost),
- Proposed Enhanced Compliance Action (ECA) to suspend a portion of the discretionary penalty,
- Monitoring and reporting program to ensure Discharger implements the ECA, and
- Provisions in the proposed Settlement to ensure sewer rates at the site are not disproportionately increased to pay for the fine during the next 5 years.

Mr. Angel recommended the Board adopted the proposed Order. Regarding the provision prohibiting an increase in sewer rates, Mr. Ciccarelli explained that the sewer rate is tied to the residential water use and each of the mobile homes is individually metered. Mr. Crites asked what assurances were in place to ensure that after 5 years the Discharger would not increase the sewer rates by an extraordinary amount (e.g., 100% overnight). Mr. Angel stated that there were none in the proposed Order. However, Mr. Garber, Counsel for the Discharger, stated that state law has a fairly complex procedure for mobile home parks with regard to raising water rates—that there is a relationship to cost of service. Therefore, he felt that someone would not be able to raise water rates at a hundred percent as suggested.

MOTION: Buford Crites moved, Tom Davis seconded, and the motion carried unanimously Order R7-2015-0044 be adopted.

CEASE AND DESIST ORDER

9. R7-2015-0047 Special Board Order Amending Cease and Desist Order R7-2009-0061, National Pollutant Discharge Elimination System (NPDES) Permit CA0104361 for the City of Holtville Wastewater Treatment Plant, City of Holtville – Imperial County

Mr. Angel stated the City had secured financing for Plant improvements and the proposed Order would grant the City another 8 months to complete a Compliance

Project at the Plant. He recommended the Order be adopted. Mr. Frank Cornejo spoke on behalf of the Discharger, and stated the City is under construction of a new Plant to comply with its NPDES permit and the Board's Cease and Desist Order. He added that City staff has worked closely with Board staff to address the Board's water quality concerns. Mr. Davis commended the City for following through on the Compliance Project and Board directives.

MOTION: Ed Muzik moved, Tom Davis seconded, and the motion carried unanimously Order R7-2015-0047 be adopted.

OTHER BUSINESS

10. Schedule of Board Meetings for Calendar Year 2016
Dates Adopted: January 14 (9 a.m.); March 10 (Brawley @ 10 a.m.); May 12 (9 a.m.); June 30 (Yucca Valley @ 10 a.m.); September 15 (9 a.m.); and, November 10 in Needles (9 a.m.).
11. Informational Update: Imperial and Riverside Counties OWTS LAMP
Ms. Serra provide an update on the status of Local Area Management Programs (LAMPs) for Riverside and Imperial Counties. She reported that Water Board staff has been working with Riverside County and Imperial County Health Department staff to develop their LAMPs. She added that Imperial County intends to include an Advanced Program Management Plan in its LAMP submittal to the Colorado Regional Water Board. Unincorporated areas of either County will be included in the respective LAMP development and are subject to the criteria specified in the LAMP. In addition to Riverside and Imperial County LAMPs, the Regional Water Board may receive up to 25 LAMPs from other local agencies, such as the incorporated cities within the Region. Incorporated cities must be either 1) specifically work with their respective County to be included in the County LAMP; 2) develop their own LAMP; or 3) on May 13, 2018, adhere to the Tier 1 Requirements in the OWTS Policy.
12. Informational Update: Border Pollution
Mr. Angel described the key developments in Mexicali to address emerging sewage infrastructure problems, including failing pumping stations and collapsing sewage pipes. Several Board members, while appreciating the need to address Border pollution in Calexico, expressed concerns about the lack of similar effort from the State to address Salton Sea problems. Mr. Angel indicated that based on those concerns, CalEPA is also looking at alternatives to the proposed disinfection facility in Calexico so that the Salton Sea can more directly benefit, including spending \$80M building additional wetlands downstream from Calexico instead of the disinfection facility.

Mr. Angel also reported that he participated in a binational meeting in San Diego last October that CalEPA organized to address preparedness for the projected unusual precipitation expected from the El Niño phenomenon. He said that in the meeting, he urged Mexican officials to continue to remove all trash from waterways that are tributary to the New River in Mexicali. He concluded by reporting that the Sonoran Institute has applied for a CalRecycle grant to remove trash from drains in Mexicali and from the New River in Calexico. Mr. Angel is working closely with CalEPA and CalRecycle to advocate for the application from the Sonoran Institute.

13. Informational Update: State Water Resources Control Board Activities
Board counsel, Tom Vandenberg, referred the Board to the summary of Regional Board and State Water Board activities update he provided. Mr. Angel, Interim Executive Officer, explained that a selection of Regional Board activities would be presented at subsequent Board meetings by assigned Board staff to give the Board a more in-depth understanding of the many activities staff was handling. A copy of the update was also provided to the public in attendance.
14. Informational Update: Geothermal
[Elizabeth Johnson, Geothermal Officer, Division of Oil and Gas and Geothermal Resources (DOGGR)].
Ms. Johnson provided the Board with a detailed discussion through her Powerpoint of the geothermal resources her agency was regulating. A copy of the Powerpoint has been posted on the Regional Board's website.
15. Informational Update: Audio/Video Board Meeting Room Upgrade Status
Ms. Hilda Vasquez and Kevin Heineman (State Water Board IT Supervisor) reported that upgrades to the Board's meeting room are proceeding in Phases. The current effort for this State Fiscal Year focuses on upgrading the audio system (microphones, PA system, and digital audio recorder). He added that this year, also the room itself has been evaluated to make it more functional, including upgrading its layout and furniture and getting video monitors for the Board members. Eventually, the room will include monitors for the back of the room so that people in the back of the room can also see what is being presented.
16. Colorado River Basin Water Board Executive Officer's Report
Mr. Angel stated that for this Board meeting he put together a list of activities that staff has been working on. The list was included in the State Water Resources Control Board Activities Report (Item 13, above). He added that moving forward he would prepare a more formal Interim Executive Officer's Report, and asked for Board suggestions and guidance on issues of interest to the Board members for inclusion in his report. Ms. Wright requested an update on the restoration work and creation of wetlands that are going on at the Red Hill Bay in the Salton Sea.

Mr. Angel reported that he and staff would be representing the Board at the 6th Annual Environmental Health Leadership Summit scheduled for 11/21/2015 at Brawley High School. He added that he plans to meet with Assistant Secretary Bruce Wilcox at the Summit to discuss Salton Sea restoration efforts.
17. Colorado River Basin Water Board Member Comments
Mr. Muzik stated that in December the Association of California Water Agencies will be having its Semi-annual Conference in Indian Wells. Ms. Wright added that the Conference will be held from December 1st through the 4th, and the title of the Conference is "Game Changer."
18. Colorado River Basin Water Board Chair's Report
Vice-Chair Wright reported that four Board Members attended the Water Quality Coordinating Committee October meeting in Sacramento.

CLOSED SESSION

19. At any time during the regular session, the Board may adjourn to meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a

public employee [Authority: Government Code Section 11126(a)]; to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

The Board adjourned to closed session to discuss the noticed personnel matter.

ADJOURNMENT OF BOARD MEETING

11:38 a.m. Following the Closed Session, the Board reconvened into Open Session to announce its adjournment of the meeting.